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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/640,466	08/16/2000	Ilan Frenkel	50325-0104	4567

29989 7590 06/06/2005

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EXAMINER

LIN, WEN TAI

ART UNIT PAPER NUMBER

2154

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/640,466

Applicant(s)

FRENKEL ET AL.

Examiner

Wen-Tai Lin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-32 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/16/00 10/16/03.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-32 are presented for examination.
2. Applicant's request for several PTO-1449 forms, of which some or all items have not been initialed, has been fully executed. Applicant is noted, however, that a plenty of duplicated items have been found in several IDS forms including those filed on 10/14/03, 1/22/04, 6/7/04 and 12/29/04. Avoidance of such duplications has been attempted in the initiated PTO-1449 pages to be mailed with the instant office action.
3. The text of those sections of Title 35, USC code not included in this action can be found in the prior Office Action.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4 and 6-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Harrison et al. (hereafter "Harrison") [U.S. Pat. No. 6622170].

6. Harrison was cited in the previous office action.

7. As to claim 1, Harrison teaches the invention as claimed including: a method of retrieving and storing quality of service policy management information using a directory service [Abstract; col.2, lines 23-38], comprising the steps of:

receiving a validity period value of one of a plurality of directory information trees [col.2, lines 58-67] that are created and stored in the directory service in association with a directory information tree manager, wherein the validity period value stores information that defines a time period in which a directory information tree associated with the validity period value is valid [col.4, line 50 – col.5, line 34; Table 3; note that the defined validity period sets a time frame in which the serviced action should be performed is equivalent to specifying the valid period of time during which the associated QoS policy must be applied because the services are subscribed by customers and therefore it must be reinforced in accordance with the specified actions and service duration];

when quality of service policy management information is needed, determining which one of the directory information trees is a currently active directory information tree [e.g., 600, Fig.6A; i.e., choosing a configuration that is currently active]; and

retrieving the quality of service policy management information from the currently active directory information tree only during a time period within the validity period value thereof [col.4, lines 50-62; col.10, lines 21-33].

8. As to claim 2, Harrison teaches that the method further comprises the steps of designating one of the directory information trees as the currently active directory information tree only when all read operations and write operations are complete with respect to that directory information tree [634-642, Fig.6B; col.11, lines 3-38; e.g., only after step 642 of Fig.6B is completed, the new configuration is designated as a current active configuration].

9. As to claim 3, Harrison teaches that the method further comprises the steps of providing, in the directory information tree manager, a reference to one or more old directory information trees for use by a reading process that specifically requests retrieval of obsolete quality of service policy information that is associated with the one or more old directory trees [col.4, lines 6-9; note that the old directory information trees refers to the information trees storing inactive QoS policy configurations].

10. As to claim 4, Harrison teaches that the method further comprises:
creating and storing a validity designation value in association with each directory information tree, in which the validity designation value indicates whether the directory information tree is active, old, or to be erased; and

retrieving the quality of service policy management information from one directory information tree that has a validity designation value of "active," and only during a time period within the validity period value thereof [col.8, lines 14-27; Tables 1-3].

11. As to claim 6, Harrison teaches that the method further comprises the steps of testing the validity designation value after carrying out a read operation, and verifying validity of information that has been read by determining whether the validity designation value is currently null [note that this is an inherent step because Harrison's validity period is stored along with its associated object, thus it takes the steps of reading and checking to verify whether the predetermined period has expired.

12. As to claim 7, Harrison teaches that the method further comprises the steps of determining that one or more objects in a directory information tree has been modified by a process and rewriting to the directory service only selected units of the directory information tree [note that this is an inherent step of updating information in an LDAP directory (see col.4, lines 13-18). That is, by default only a selected element needs to be rewritten in the process of updating an associated object.]

13. As to claim 8, Harrison further teaches that each directory information tree comprises a policy sub-tree [e.g., 240, Fig.2; col.5, lines 55-59] that includes one or more role objects [e.g., the policies associated with each device (col.4, lines 50-54)],

one or more service template objects [col.9, lines 32-33], and one or more policy decision point objects [e.g., the policy condition; col.4, lines 50-59], and further comprising the steps of determining that one or more objects in one of the directory information trees has been modified by a process and rewriting to the directory service only such objects, service template objects, and policy decision point objects as have been modified by the process [col.3, lines 1-11; see also the rejection of claim 7 above].

14. As to claim 28, Harrison further teaches that the Directory Information Trees and the Directory Information Tree Manager provide consistency control over policy subtrees that store quality of service policy information [col.5, line 60 – col.6, line 24; i.e., the steps outlined at col.6, lines 4-24 provide the consistency control].

15. As to claims 9-27 and 29-32, since the features of these claims can also be found in claims 1-4, 6-8 and 28, they are rejected for the same reasons set forth in the rejection of claims 1-4, 6-8 and 28 above.

As for the additional feature in claims 9 and 11 that requires retrieving the quality of service policy information under a condition that the name and creation time value associated with the quality of service policy information tree be unchanged: it is noted that Harrison teaches steps of consistency control at col.6, lines 4-24, wherein the current (or active) tree of information is never altered, which naturally includes the various attributes such as name and creation time value [note that by default each

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directory entry must have a name, which is marked with a time of creation (see col.2, lines 58-67)].

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison et al.(hereafter "Harrison") [U.S. Pat. No. 6622170], as applied to claims 1-4 and 6-32 above.

18. As to claim 5, Harrison teaches that directory data (which includes the inactive configuration information) may be deleted [col.4, lines 13-18]. Harrison does not specifically teach deleting an inactive configuration (i.e., an obsolete directory information tree) only after its validity period has expired. However, since a validity period defines the time frame during which its associated policy should be implemented [col.4, lines 56-66], it would have been obvious to one of ordinary skill in the art to retain an inactive configuration until its validity period has expired because during its validity

period the inactive configuration could be reused when necessary [Abstract: lines 10-14].

19. Applicant's arguments filed on 3/29/2005 for claims 1-22 have been fully considered but they are not deemed to be persuasive.

20. Applicant argues in the remarks that:

1. Re. Claims 1, 18, 26 and 27: the validity period defined in Harrison is a time frame for an action of a policy, rather than the validity of a directory tree.

Furthermore, Harrison does not teach the steps of receiving a validity period and retrieving the directory information tree only when the associated information tree is valid.

Examiner note: it is noted that Harrison's validity period for a service action is the time frame that the customer subscribed QoS service (which is stored in a directory tree or sub-tree) must be performed or reinforced. Such a time frame is equivalent to the validity of the stored directory information because outside the specified time frame the policy would not be applicable to the customer's data traffic. As for the receiving and retrieving steps: it is noted that Harrison's QoS policies are downloaded from the LDAP server (to the associated devices) after a condition match is found, wherein the condition includes validity period [see e.g., col.4, lines 45-55; col.5, lines 35-42]. Thus it is clear that such activities include both said receiving and retrieving steps.

2. Re. Claims 9 and 11: the rejections overlooked the facts that no element featured in Claims 9 and 11 is recited in any one of claims 1-4, 6-8 or 28.

Examiner note: It is noted that Harrison teaches consistency policy at col.6, lines 4-24 that the current information tree that is being used (or downloaded) should be kept unaltered so that information may not be partially modified [see col.4, lines 35-44]. Because Harrison's directory takes the resemblance of a nominal directory in operating systems like Unix and Windows [col.2, lines 58-67], it is submitted that naming an information tree and recording its creation time are inherent features of Harrison's directory information trees. As for the step of "determining ... is successfully retrieved only when ... are unchanged", it is noted that Harrison teaches the same because Harrison's information tree needs to be retrieved (i.e., downloaded) during which no partial modification is made to the same tree. In this respect, the above statements are also applicable to claim 11 because of the fact that claim 11 focuses on a "currently active directory", with limitations appear to be covered by Harrison's teaching at col.6, lines 4-24, in addition to reasons stated in the rejections of claims 1-4, 6-8 or 28, wherein the validity period is part of the conditions checked for a match prior to the retrieval of the associated information tree [see col.4, lines 50-54].

3. Re. Claims 17, 29 and 32: there are no proper substantive arguments on the record against the patentability of these claims.

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Examiner note: It is noted that claims 17, 29 and 32 each recites slight variations or includes implementation details of the method claims that were prior rejected. If Applicant disagrees, Applicant is expected to point out each of the variations that are deemed to be patentable subject matter.

For at least the above reasons, it is submitted that the prior art of record reads on the claims.

21. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

22. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Examiner note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the contest of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday(8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)872-9306 for official communications; and

(571)273-3969 for status inquires draft communication.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

May 31, 2005

Wen-Tai Lin
5/31/05